UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDEEP SOHAL, M.D.,

    Plaintiff,   Case No. 1:07-cv-66

v.   HON. JANET T. NEFF

BOARD OF TRUSTEES OF
MICHIGAN STATE UNIVERSITY
and DAVOREN CHICK, M.D.,

    Defendants.

_____/

OPINION

Pending before the Court is a Motion for Summary Judgment (Dkt 52) filed by Defendants Board of Trustees of Michigan State University (MSU) and Davoren Chick, M.D., former program director of MSU's Internal Medicine Residency Program, College of Human Medicine. Plaintiff has filed a Response (Dkt 55), and defendants have filed a Reply (Dkt 56). Pursuant to W.D. Mich. LCivR 7.2(d), the motion is decided without oral argument. For the reasons that follow, the motion is granted in part and denied in part.

On January 23, 2007, plaintiff filed this action under 42 U.S.C. § 1983 alleging violations of his civil rights under federal and state law, stemming from his alleged forced withdrawal from MSU's Internal Medicine Residency Program amid claims of unprofessional behavior. Plaintiff's Complaint alleged five counts: Count 1, substantive due process violation; Count 2, procedural due process violation; Count 3, equal protection violation; Count 4, state law discrimination under the Elliot Larsen Civil Rights Act; and Count 5, state law defamation.

Defendants filed a motion to dismiss and a supplemental motion to dismiss plaintiff's Complaint. Following a hearing, the Court denied defendants' motion to dismiss in a bench opinion and order (Dkt 12). On March 10, 2008, defendants filed an Answer and Counterclaim alleging a breach of contract claim against plaintiff based on a Resignation Agreement and Release signed between plaintiff and defendant MSU following his withdrawal from the Residency Program.

Following discovery, and unsuccessful efforts to settle the case, defendants requested a Pre-motion Conference to file a motion for summary judgment. Plaintiff, his counsel, and defense counsel attended the Pre-motion Conference, at which the parties formulated a proposed Stipulation and Order regarding disposition of this case for plaintiff's consideration (*see* Dkt 50). The Stipulation and Order acknowledged that Counts 1 through 4 of Plaintiff's Complaint asserted pre-release claims, which were barred pursuant to the previously executed Resignation Agreement and Release. The Stipulation further recognized that Count 5 of the Complaint asserted a post-release claim, which arose, if at all, under state law. The Stipulation and Order provided that Counts 1 through 4 would be dismissed with prejudice, and further, that the Court declined to exercise supplemental jurisdiction over the state law claim, which would therefore be dismissed without prejudice. Plaintiff did not accept the Stipulation and Order, and thus, the parties proceeded with briefing on defendants' motion for summary judgment pursuant to the Court's Order (Dkt 50).

The Court now has before it the fully-briefed Motion for Summary Judgment. Defendants seek summary judgment in their favor with regard to plaintiff's claims and defendants' Counterclaim.

In response to defendants' Motion for Summary Judgment, plaintiff states that he "believes that the release bars all federal claims and that this court lacks supplemental jurisdiction to hear the

state law claims" (Pl's. Resp. 1).   Plaintiff further states in his response brief, that "[i]f the

Resignation Agreement and Release is valid Counts 1, 2 and 3 of plaintiff's Complaint are barred

and must be dismissed due to a waiver of those claims in the agreement" (Pl's. Resp. Br. 4).

Plaintiff goes on to assert that since no one has argued that the release was not executed, defendants'

arguments for dismissal of the federal claims, Counts 1, 2 and 3, are moot (*id.*).

Given plaintiff's acknowledgment that his federal claims are barred and must be dismissed,

the Court need not address the substantive arguments presented for summary judgment. Defendants'

motion for summary judgment of Counts 1, 2 and 3 of plaintiff's Complaint is granted.

Pursuant to its discretionary authority under 28 U.S.C. § 1367(c)(3), the Court declines

supplemental jurisdiction over the remaining state-law claims in Counts 4 and 5 of plaintiff's

Complaint. Plaintiff's state law claims are dismissed without prejudice.

Because defendants' Counterclaim, based on a breach of the Resignation Agreement and

Release, likewise implicates only matters of state law, the Court declines supplemental jurisdiction

over the Counterclaim asserted by defendants. The Counterclaim is therefore dismissed without

prejudice.

A Judgment consistent with this Opinion shall enter.

DATED: March 11, 2009   /s/ Janet T. Neff
                                                  JANET T. NEFF
                                                  United States District Judge

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JUDGMENT

In accordance with the Opinion entered this date:

IT IS HEREBY ORDERED that defendants' Motion for Summary Judgment (Dkt 52) is **GRANTED** with respect to Counts 1, 2 and 3 of plaintiff's Complaint.

IT IS FURTHER ORDERED that the Court declines to exercise supplemental jurisdiction over plaintiff's state laws claims, and therefore, defendants' Motion for Summary Judgment is DENIED with regard to Counts 4 and 5 of plaintiff's Complaint. Counts 4 and 5 are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Court declines supplemental jurisdiction over the state law claims asserted in defendants' Counterclaim, and therefore, defendants' Motion for Summary Judgment is DENIED with regard to the Counterclaim. The Counterclaim is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that this Judgment resolves the last pending claim and the

action is TERMINATED.

DATED: March 11, 2009   /s/ Janet T. Neff
                                               JANET T. NEFF
                                               United States District Judge